

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

v.

Derek Ortiz Socias,

Defendant.

~~PROPOSED~~
ORDER

21 Cr. 173 (RA)

WHEREAS, under the First Amendment of the United States Constitution, the public enjoys a presumptive right of access to court proceedings and judicial documents, see Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 113 (2d Cir. 2006), including in criminal cases, see United States v. Amodeo, 71 F.3d 1044, 1050 (2d Cir. 1995);

WHEREAS the weight of the presumption of access depends, in part, on the “role” that the “testimony or documents play . . . in the performance of Article III duties,” Amodeo, 71 F.3d at 1050, and “countervailing factors” that include “the danger of impairing law enforcement or judicial efficiency” and “the privacy interests of those resisting disclosure,” id.;

WHEREAS the need to ensure the safety of individuals who provide testimony to the Court or cooperate with law enforcement is a well-recognized reason to overcome the presumption of access, see, e.g., United States v. LeRoux, No. 14-CR-75 (RA), 2020 WL 3051261, at *1 (S.D.N.Y. June 8, 2020); United States v. Armstrong, 185 F.Supp.3d 332, 336–37 (E.D.N.Y. 2016);

WHEREAS, in connection with the sentencing of defendant DEREK ORTIZ SOCIAS, the parties and the Court have—in court submissions and during court proceedings—discussed facts that implicate the safety concerns recognized in LeRoux and Armstrong, and these filings and proceedings are:

- The defendant's August 19, 2024 letter;
- The defendant's November 12, 2024 declaration and cover letter;
- The transcript of the November 13, 2024 Fatico hearing;
- The defense's January 15, 2025 sentencing submission;
- The Government's January 31, 2025 sentencing submission;
- The defense's February 5, 2025 sentencing reply;
- The Court's February 13, 2025 Opinion and Order;
- The parties' February 13, 2025 letter regarding sealing;
- The transcript of the February 14, 2025 sentencing hearing; and
- The parties' February 27, 2025 letter regarding sealing;
- The Court's March 18, 2025 Sealed Order; and
- The parties' March 24, 2025 letter regarding sealing;

WHEREAS, consistent with the Court's previous Orders, the parties have conferred and proposed partial redactions to the majority of these documents and, in the case of the March 18, 2025 Sealed Order and March 24, 2025 letter, proposed that those two filings (which are brief and discuss in detail the reasons why other filings should be redacted) be fully sealed;


WHEREAS, the Court has reviewed the parties' proposed redactions and agrees that the redactions appropriately balance the presumption of public access articulated in Amodeo with the countervailing considerations discussed in LeRoux and Armstrong;

IT IS HEREBY ORDERED that the redactions proposed by the parties are accepted and the parties are authorized to file the redacted versions of the documents ~~annexed hereto~~;

AND IT IS HEREBY ORDERED that ~~the unredacted version of these submissions shall be maintained under seal~~ the parties shall file the unredacted versions of the documents under seal.

SO ORDERED:

Dated: New York, New York
April 1, 2025



THE HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK